

# ***EXHIBIT “8”***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN K. COSGROVE, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

CITIZENS AUTOMOBILE FINANCE, INC.,

Defendant.

CLASS ACTION

CIVIL ACTION NO. 09-CV-1095(BMS)

**CERTIFICATION OF ANDREW M. MILZ, ESQUIRE**

I, ANDREW M. MILZ, ESQUIRE, certify the following to be true and correct:

I am an adult individual and a member of the bar of this Court in good standing. I am counsel for the Plaintiff Brian K. Cosgrove and the Class in the above-captioned action. This Certification is submitted in support of Plaintiff's Motion for Final Approval of Class Action Settlement, and Motion for Approval of Class Counsel Fees and Costs.

**Biography**

1. I am an attorney at the Lundy, Flitter, Beldecos & Berger, P.C., law firm. I have been an associate at the Lundy Flitter law firm since April 2008. Prior to that, I was a law clerk at the Lundy Flitter firm and the Philadelphia law firm Donovan Searles, LLC.

2. I am admitted to practice and a member in good standing before the state courts of Pennsylvania and New Jersey, the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey, and the United States Court of Appeals for the Third Circuit.

3. I am a January 2008 graduate of Temple University School of Law.

4. While at Temple, I was awarded distinctions for brief writing and outstanding oral advocacy in Temple's Integrated Trial Advocacy Program.

5. I was Executive Editor of the Temple Political and Civil Rights Law Review.

6. I am the author of *But Names Will Never Hurt Me?*, 16 Temp. Pol. & Civ. Rts. L. Rev. 283 (2006).

7. I hold a Master of Arts degree in English Literature from the University of Scranton and a Bachelor of Arts in English, *cum laude*, from King's College.

8. I recently co-presented *Repossessions and Defending the Deficiency Suit* at the 5<sup>th</sup> Annual meeting of the National Association of Consumer Advocates, Pennsylvania Chapter, on March 18, 2011 at Widener University School of Law in Harrisburg, PA.

9. At the Lundy Flitter firm, I primarily practice in the area of consumer protection law.

10. I have litigated two consumer protection cases in federal jury trials: *Wise v. Americredit Fin. Servs., Inc.*, U.S.D.C. E.D. Pa. No. 09-cv-00102 (Robreno, J.) (Fair Credit Reporting Act, Pennsylvania's Uniform Commercial Code, Fair Credit Extension Uniformity Act); *Cappuccio v. Prime Capital Funding*, U.S.D.C. E.D. Pa. No. 07-cv-04627 (Sánchez, J.) (Truth in Lending Act, Equal Credit Opportunity Act, Pennsylvania's Unfair Trade Practices and Consumer Protection Law).

11. In my time at the Lundy Flitter firm, I have been co-counsel of record in multiple consumer class actions, including: *Hartt v. Flagship Credit Corporation*, 10-cv-0822 (E.D. Pa. 2010); *Jones v. Client Services, Inc.*, U.S.D.C. E.D. Pa. No. 10-CV-00343; *Simmons v. Asset Acceptance, LLC*, U.S.D.C. E.D. Pa. No. 10-CV-00814; *Durr v. Rochester Credit Center, Inc.*, U.S.D.C. E.D. Pa. No. 09-CV-04232; *Johnson v. Diversified Collection Services, Inc.*, U.S.D.C.

E.D. Pa. No. 09-CV-01880; *Reed v. Pinnacle Credit Services, LLC, et al.*, U.S.D.C. E.D. Pa. No. 09-CV-00544; *Holmes v. Mann Bracken, LLC*, U.S.D.C. E.D. Pa. No. 09-CV-00424; *Cunningham v. RJM Acquisitions Funding, LLC*, U.S.D.C. E.D. Pa. No. 09-CV-00103; *Smith v. NCO Financial Systems, Inc., et al.*, U.S.D.C. E.D. Pa. No. 08-CV-05626; *Jessie v. Proline Solutions Group, LLC, et al.*, U.S.D.C. E.D. Pa. No. 08-CV-03490; and *Gregory v. NCO Financial Systems, Inc., et al.*, U.S.D.C. E.D. Pa. No. 07-CV-05254.

### **Hourly Rate**

12. My hourly rate for 2011 is \$245.00 per hour. This rate was approved by Judge Thomas N. O'Neill, Jr. of the United States District Court for the Eastern District of Pennsylvania in the FDCPA case *Easley v. Worldwide Recoveries, LLC*, U.S.D.C. E.D. Pa. Doc. No. 10-3922 (Damages Order dated January 24, 2011); by Judge Legrome D. Davis of the United States District Court for the Eastern District of Pennsylvania in the FDCPA class action *Jones v. Client Services*, U.S.D.C. E.D. Pa. Doc. No. 10-0343 (Final Judgment and Order of Dismissal dated Feb. 25, 2011); and by Judge Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania in the FDCPA case *Harlan v. NRA Group, LLC*, 2011 WL 813961 (E.D. Pa. Mar. 2, 2011) (recognizing "experience in prosecuting individual and class actions based on federal consumer protection law.").

13. My hourly rate for 2010 was \$220.00 per hour. This rate was utilized by Pennsylvania Court of Common Pleas Judge Gary F. DeVito in the consumer protection class action styled *McCall v. Drive Financial Servs., LP*, Phila CCP No. 2006-00005 (Order for Final Judgment and Dismissal dated July 21, 2010) (aggregate attorney fee award of \$2.5 million approved); and by Judge Ronald Buckwalter of the United States District Court for the Eastern District of Pennsylvania in the class action styled *Gregory v. NCO Fin. Sys.*, U.S.D.C. E.D. Pa.

No. 07-CV-05254 (Order Approving Class Counsel Fees dated Mar. 2, 2010) (aggregate fee award of \$115,000 approved).

14. My hourly rate for 2009 was \$210.00 per hour. This rate was approved by Judge Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania in the FDCPA class action *Rosenau v. Unifund*, 646 F. Supp. 2d 743 (E.D. Pa. 2009).

**Litigation of the Instant Case**

15. The attorney's fees and costs sought by Plaintiff are reasonable and were necessarily incurred in the prosecution of this case.

16. In prosecuting this action on behalf of Plaintiff and the Class, I conducted background research on the claims under the UCC and the defendant; drafted discovery and pleadings; evaluated the redacted consumer files; conducted legal research; drafted, edited and proofread motion papers; drafted, edited and reviewed the settlement documents; reviewed defendant's production of unredacted consumer files in Spring of 2011, compared these files with our catalog of redacted files and compiled a comprehensive final class list; and drafted initial versions of the Motion for Preliminary Approval and the instant Motion for Final Approval and Motion for Attorney's Fees.

17. My billing entries were recorded contemporaneously with my actions on behalf of Plaintiff and the Class in this case.

I certify under penalty of perjury that the foregoing is true and correct.

Date: 08/04/11

/s/ Andrew M. Milz  
ANDREW M. MILZ